

# PART 5315 - Contracting by Negotiation

## 2019 Edition

*Revised: 26 Jul 21*

### Table of Contents

SUBPART 5315.2 — SOLICITATION AND RECEIPT OF PROPOSALS AND INFORMATION 2

SUBPART 5315.3 — SOURCE SELECTION 2

5315.300 Scope of Subpart 2

5315.371-4 Exceptions 2

5315.371-5 Waiver 2

SUBPART 5315.4 — CONTRACT PRICING 3

5315.400 (S-90) 3

5315.403-1 Prohibition on Obtaining Certified Cost or Pricing Data (10 U.S.C. 2306a and 41 U.S.C., Chapter 35) 3

5315.403-3 Requiring Data Other Than Certified Cost or Pricing Data 4

5315.403-4 Requiring Certified Cost or Pricing Data (10 U.S.C. 2306a and 41 U.S.C., Chapter 35) 4

5315.404-1-90 Pricing Assistance or Pricing Assistance Waiver 4

5315.404-2 Data to Support Proposal Analysis 4

5315.404-4 Profit 5

5315.404-70-90 DD Form 1547, Record of Weighted Guidelines Method Application, Report Control Symbol: DD-AT&L(Q)1751 5

5315.406-1 Prenegotiation Objectives 5

5315.406-3 Documenting the Negotiation 5

5315.407-3 Forward Pricing Rate Agreements 6

5315.407-4 Should-cost Review 6

5315.407-90 Contract Audit Follow-Up (CAFU) 6

5315.408 Solicitation Provisions and Contract Clauses 6

SUBPART 5315.6 — UNSOLICITED PROPOSALS 6

## **SUBPART 5315.2 — SOLICITATION AND RECEIPT OF PROPOSALS AND INFORMATION**

See [SMC PGI 5315.203](#).

See [AFMC PGI 5315.207](#).

See [AF PGI 5315.209-90](#).

## **SUBPART 5315.3 — SOURCE SELECTION**

### **5315.300 Scope of Subpart**

See [MP5315.3](#) for required Air Force Source Selection responsibilities and procedures.

See [AFMC PGI 5315.3](#).

See [SMC PGI 5315.3](#).

See [USAFA PGI 5315.3](#).

### **5315.371-4 Exceptions**

(a)(2) See [MP5301.601\(a\)\(i\)](#).

### **5315.371-5 Waiver**

See [MP5301.601\(a\)\(i\)](#).

See [AF PGI 5315.371-5](#).

## **SUBPART 5315.4 — CONTRACT PRICING**

### **5315.400 (S-90)**

See [MP5315.4](#) for required Air Force contract pricing procedures. See the [DoD Sole Source Streamlining Tool Box](#) for techniques to increase efficiency throughout the acquisition process.

See [AF PGI 5315.402-90](#).

See [AFMC PGI 5315.402-90](#).

### **5315.403-1 Prohibition on Obtaining Certified Cost or Pricing Data ([10 U.S.C. 2306a](#) and [41 U.S.C., Chapter 35](#))**

(b) See [MP5301.601\(a\)\(i\)](#).

(c) *Standards for exceptions from certified cost or pricing data requirements.*

(4) *Waivers.*

(A) *Exceptional case TINA waiver.* Submit the request for an exceptional case TINA waiver through the SCO to [SAF/AQC](#) for HCA approval (see [MP5301.601\(a\)\(i\)](#)). When the waiver is for a subcontractor who has refused to provide cost or pricing data to a prime contractor, the information required must cover both the prime contract and the subcontract. Contracting officers must submit a copy of all signed TINA waivers to HQ AFMC/PKF within 30 days of signature by the HCA. Submit the request for OUSD(A&S)/DPC approval to use the exceptional circumstances waiver pursuant to Class Deviation 2019-00008, Section 890 Pilot Program to Accelerate Contracting and Pricing Processes, to SAF/AQC with the Subject: "AFFARS 5315.403-1(c)(4)(A) - Section 890 Pilot Program to Accelerate Contracting and Pricing Processes."

(B) The SCO must consolidate and submit the information as outlined in [DFARS PGI 215.403-1\(c\)\(4\)\(B\)](#), or submit a negative report for their organization, to [SAF/AQCP](#) no later than 15 October each year. AFMC SCOs must submit their reports directly to HQ AFMC/PK no later than 15 October each year. HQ AFMC/PK must consolidate all of the SCO reports for AFMC and submit a final report to [SAF/AQCP](#) no later than 8 November each year. SAF/AQCP will submit the annual report, Waiver of TINA Requirements, to OUSD(A&S)/DPC. AFRCO will provide the information directly to the DAS(C)/ADAS(C), as appropriate.

See [AFICC PGI 5315.403-1](#).

See [AFMC PGI 5315.403-1](#).

### **5315.403-3 Requiring Data Other Than Certified Cost or Pricing Data**

(a)(4) See [MP5301.601\(a\)\(i\)](#).

(a)(6)(ii) See [MP5301.601\(a\)\(i\)](#). SCOs must ensure the required information has been uploaded into the [Contractor Denials of Data Requests](#) information within 25 days following the end of the quarter. Negative reports are required.

### **5315.403-4 Requiring Certified Cost or Pricing Data ([10 U.S.C. 2306a](#) and [41 U.S.C., Chapter 35](#))**

(a)(2) The contracting officer must submit the Determination and Findings through their SCO to [SAF/AQC](#) for HCA signature (see [MP5301.601\(a\)\(i\)](#)).

### **5315.404-1-90 Pricing Assistance or Pricing Assistance Waiver**

(a) Required thresholds for requesting pricing assistance:

Sole Source		Competitive
PEO (Systems)	All Other	All
\$25M or more	\$10M or more	\$100M or more

(b) See [MP5315.404-1-90\(b\)](#) for procedures for requesting pricing assistance.

(c) See [MP5315.404-1-90\(c\)](#) for procedures for requesting a pricing assistance waiver for actions

that meet or exceed the required thresholds identified in 5315.404-1-90(a).

See [AFICC PGI 5315.404-1-90](#).

See [AFMC PGI 5315.404-1-90](#).

See [SMC PGI 5315.404-1-90](#).

## **5315.404-2 Data to Support Proposal Analysis**

See [MP5301.601\(a\)\(i\)](#).

See [AFMC PGI 5315.404-2-90](#).

See [AF PGI 5315.404-3-90](#).

See [AFMC PGI 5315.404-3-90](#).

## **5315.404-4 Profit**

(c)(2)(C)(2)See [MP5301.601\(a\)\(i\)](#).

## **5315.404-70-90 DD Form 1547, Record of Weighted Guidelines Method Application, Report Control Symbol: DD-AT&L(Q)1751**

HQ AFMC/PKF is the designated Air Force focal point for weighted guidelines reporting. DD Form 1547s shall be prepared and reported using the web-based [Weighted Guidelines \(WGL\) Application](#) (must use Internet Explorer). The SCO shall appoint a WGL Administrator at each geographic location. The responsibilities of the WGL Administrator are outlined in the WGL Administrator's Guide. Refer to the web-enabled version of the [Profit WGL Application and User Application Guides](#) (Users and Administrators).

See [AF PGI 5315.404-70-90](#).

## **5315.406-1 Prenegotiation Objectives**

(b)(ii) *Adjudication Procedures*. The contracting officer must forward DCAA requests for Air Force management review through their management chain, and provide the SCO name and contact information to the cognizant DCAA representative. If disagreements remain, the SCO must elevate the issue to [SAF/AQC](#) to support any request from DCAA for further elevation of the issue(s).

(b)(90) A Preliminary Price Negotiation Memorandum (PPNM) is required for all actions of \$10M or more. The [AF PPNM template](#) may be tailored for use.

See [AFMC PGI 5315.406-1](#).

## **5315.406-3 Documenting the Negotiation**

(a) See the [Price Negotiation Memorandum \(PNM\) Checklist](#) that may be used to ensure PNMs contain all required information. The final PNM template and streamlined PNM templates for [supplies](#) or [services](#) may be tailored for use.

See [AFMC PGI 5315.406-3](#).

See [SMC PGI 5315.406-3](#).

See [AFMC PGI 5315.406-3-90](#).

See [AFMC PGI 5315.407-1-90](#).

See [AFMC PGI 5315.407-2](#).

### **5315.407-3 Forward Pricing Rate Agreements**

(b)(i) See [MP5301.601\(a\)\(i\)](#).

### **5315.407-4 Should-cost Review**

(b) *Program should-cost review.*

(4) The contracting office organizes and manages the program should-cost review. The team chief is responsible for the completion of the should-cost review team report.

(c)(2)(B) See [MP5301.601\(a\)\(i\)](#).

### **5315.407-90 Contract Audit Follow-Up (CAFU)**

Follow [MP5315.407-90](#) for conducting CAFU activities.

See [AFICC PGI 5315.407-90](#).

See [AF PGI 5315.407-91](#).

### **5315.408 Solicitation Provisions and Contract Clauses**

(2)(i)(A)(2) See [MP5301.601\(a\)\(i\)](#).

(ii)(A)(2) See [MP5301.601\(a\)\(i\)](#).

## **SUBPART 5315.6 — UNSOLICITED PROPOSALS**

### **5315.606 Agency Procedures**

See [MP5315.606-90](#) for points of contact and procedures for controlling the receipt, handling, evaluation, and timely disposition of unsolicited proposals.